Alleges That Money Due Estate Was Wrongfully Withheld.

MAURICE DEICHES NAMED

Said to Have Helped to Muddle United Copper Company

Litigation.

In affidavits filed in the United States District Court Morton Legow, son of the ate Senator Clarence Lexow, charges the latter's former law partners, George Mac-Kellar and T. Tileston Wells, with depriving the Lexow estate of money which was due the Senator at the time of his death. The affidavit also mentions the name of Maurice Deiches, candidate for Register of New York county on the Tammany ticket.

Morton Lexow intimates that Deiches, with MacKellar and Wells, was a party to a scheme to prevent Senator Lexow's widow. Mrs. Katherine Lexow, and other stockholders in the defunct United Copper Company from recovering a substantial amount on their holdings through an amount on their holdings through an action begun by the stockholders in the New Jersey courts. It is rumored that the affidavit will be used by Deiches's political antagonists in the fall campaign, although all the Lexow charges have been in answering affidavits by Delches

Claims Share of Firm's Profits.

Senator Clarence Lexow, father of the affiant, was best known to the public as the chairman of the Lexow investigating committee. The name of his law firm was Lexow, MacKellar and Wells. Ac-

was Lexow, MacKellar and Wells. According to Morton Lexow, the Senator at the time of his death on December 30, 1910, was entitled to a share in many of the fees received by the law firm. "Your deponent," says Lexow, "verily believes and therefore alleges that the methods pursued by the said MacKellar and Wells and their distribution of these fees was in most cases inequitable and foos was in most cases inequitable and unfair and in some cases positively

"But the objections and remonstrances of the executrix (Mrs. Katherine Lexow) and the deponent received but scant at-tention, and were in every instance sum-marily brushed aside by the said Mac-Kellar and Wells, who relentlessly pur-sued with perseverance worthy of a better cause their established policy of grasping everything within their reach and depriv-ing the estate of a large portion of the fees to which it was entitled."

#### United Copper Litigation.

Lexow in his affidavit calls attention to the fact that MacKellar & Wells are the attorneys for Maurice Deiches. who as receiver for the Ætna Indemnity Company began suit in the United States District Court some time ago to have the United Copper Company and other of the Heinze concerns declared insolvent. This suit, says Lexow, was merely under-taken for the purpose of hindering the creditors who had already brought a similar suit against the Heinze concerns in the Court of Chancery in New Jersey. in the Court of Chancery in New Jersey.
Mrs. Lexow as holder of preferred stock
in the United Copper Company left her
by the Senator was one of the intervening creditors in the New Jersey suit.

Lexow contends that since the Heinze companies were Jersey corporations the Court of Chancery should have had original jurisdiction in the appointment of the receivers and the distribution of the assets. To prevent this, he says, Deiches brought suit in the Federal Courts here. Lexow says that before his mother ap-peared as an intervening creditor in the Ne wJersey action MacKellar, who also held 100 shares of the United Copalso held 100 shares of the United Copper Company's preferred stock, told him that such intervention was unnecessary as he, MacKellar, would protect Mrs. Lexow's rights as well as those of his client, Deiches, who as receiver of the Ætna Indemnity Company held coupons on the bonds of La France Copper Company, another of the Heinze concerns. MacKellar, according to Lexow, said that the Heinzes or some one connected with them would undoubtedly offer a lump sum

Charges False Promises.

"The said MacKellar further stated to such an offer was made and accepted he would see to it that the stock was pre-ferred to the coupons in the distribution of whatever sum was offered." Later, Lexow says, MacKeller told him

that he could only dispose of the coupons but could do nothing with the stock. Mac-Kellar, according to the affidavit, said that he intended to throw his own holdings into the reorganization of the United ate could do as it pleased. Lexow says that he learned that the sum offered fo the Deiches coupons was \$4,000.

Then, in order to protect her holdings

and realize as much as possible on the and realize as much as possible on them through an equitable distribution of the assets of the copper company, Mrs. Lexow, it is alleged, began her action in the Jersey courts and Deiches, instead of doing likewise, began suit in the Federal Courts Mrs. Lexow has asked the United States

Mrs. Lexow has asked the United states District Court here to dismiss the Deiches suit and thus expedite the distribution of the assets in New Jersey. Her son's affi-dayit is filed in connection with this mo-

tion.

In his answering affidavit Deiches accuses Mrs. Lexow of attempting to hinder a similar distribution through the Federal

# BANK TO SUE TIM SULLIVAN.

# Two Notes Amounting to \$9,500 Un-

paid, It is Alleged.

The National Nassau Bank got per-mission yesterday from Supreme Court Justice Amend to sue the committee of the estate of Congressman Timothy D. Sullivan in two actions to recover on promissory notes of \$6,750 and \$2,750. The petition of Edward Earl, president of the bank, said that the note for \$6,-

of the bank, said that the note for \$6,-750 was executed by Congressman Sullivan on July 29, 1912, before he had been adjudged incompetent, and was received in good faith by the bank without knowledge of any incompetency on the part of the maker. The note was payable in three months, but no part has been paid, although demand has been made on the committee.

The second note of \$2,750 was executed May 29, 1912, although for three months, and \$750 has been paid on it.

# "CHILDREN OF TO-DAY."

Louis Mann Appears in New Comedy in Albany.

ALBANY, Sept. 3.—A satirical comedy by Clara Lipman and Samuel Shiplan called "Children of To-day" was presented at Harmanus Bleecker Hall to-night by the Shuberts. Louis Mann played the leading role. The play deals with the alleged tendency of modern children to override their parents.

Emily Ann Wellman was Mr. Mann's leading lady. Others in the cast were Margaret Templeton, Adoni Fovieri, Frank R. Stirling, John Hines and Maude Turner Gordon. After a brief tour the piece will be taken to New York.

#### CONEY KING'S EDICT.

and Queen Lillian Will Crowned on Monday Night.

John Bunny, King of the Coney Island Mardi Gras, issued an edict last night outlining the programme for Mardi Gras week, which is from September 8 to September 13. He ordered that there shall be a parade each night which shall consist of the following:

Platoon of mounted police.

Inspector Dooley and Captain Murphy in automobiles.

automobiles.
Six committees in automobiles.
Grand Marshal Herman Wacke and

Grand Marshal Herman Wacke and escort of aids.
Guard of honor to the king and equad of mounted police.
The Royal Float with King John and Queen Lillian Walker.
Twelve floats, representing the United States. France, Ireland, England. Scotland, Germany. Spain, Italy, Japan, Egypt, Greece and Coney Island.
At various points on the route will be bands, civic bodies and other organizations.

tions.

The king and queen will be crowned at Luna at 7 P. M. on Monday night. After the parade on that night the executive committee, accompanied by the grand marshal and his aids, will escort the king and queen back to Luna, where their majesties will lead the grand march in the official ball and hold a court reception. The headquarters of the king and queen will be Stauch's.

# WIFE THREATENED TO SHOOT CAMINETTI

She So Testifies at Trial of Husband for Violating White Slave Act.

SAN FRANCISCO, Sept. 3 .- The defence SAN FRANCISCO, Sept. 3.—The defence had its innings to day in the trial of Drew Caminetti on the charge of violating the Mann white slave act. The session was notable mainly for the appearance on the witness stand of Mrs. Caminetti, wife of the defendant, who testified that she had threatened to shoot her husband if he continued to associate with girls of Sacramento.

continued to associate with girls of Sacramento.

Most of the testimony for the defence was concluded and Judge Van Fleet hopes to give the case to the jury late to-morrow afternoon. The witnesses who will be called to-morrow are Caminetti himself, whose testimony will be brief; Diggs's father: P. J. Teheny, of the State Board of Control, and Mrs. Garrison. It is said that Teheny, if cross-examined by the prosecution, will probably deny the statement of Mrs. Caminetti that she never complained to the State Board of Control about her husband's conduct.

The prosecution ended its case in the morning after some testimony by Prosecutor Atkinson of Sacramento, who talked with Miss Norris on the train from Reno to Sacramento. When confronted with statements that she and Miss Warrington had slept together at Reno, Miss Norris said she told these stories at the time to shield her reputation. Asked whether or not she wished to protect her reputation now she said, "If I am to tell the truth I don't see how I can do it."

In opening the defence Marshall R.

tion now she said. "If I am to tell the truth I don't see how I can do it."
In opening the defence Marshall B. Woodworth declared that it was worry over threats of prosecution by Diggs's father and others and not any immoral intent that caused Caminetti to flee from Sacramento to Reno.

Mrs. Caminetti did not make a favorable impression on the audience in the court room, as there were comments that she had been coached carefully to help her husband. She denied that she had made complaints to the State Board of

made complaints to the State Board of Control about her husband's conduct, al-though it was reported widely in Sacra-mento that she was a frequent visitor at the offices of the board and talked to all the officials.

# LAW JOURNAL AGAINST SULZER.

Bench and Bar" Sustains Carmody's Opinion.

Bench and Bar, which stands among the foremost independent legal publications of the Enited States, in its August Issue agrees with the contentions of Attorney-General Thomas Carmody that the Assembly of New York State has the cight to impach the Governor at right to impeach the Governor at an extraordinary session without execu-tive recommendation. It says that when a Governor is impeached by the Assembly the duties of the Executive in return for the MacKellar and the Lexow shares and the Deiches coupons.

In a letter to a Columbus, Ohio, news-paper the Attorney-General of Ohio also agrees with the conclusions of Attorney-General Thomas Carmody that the Assembly was within its rights in instituting impeachment proceedings against Gov. Sulzer and that when articles of impeachment are presented to the Senate the Governor ipso facto is removed from office pending the trial.

# THE SEAGOERS.

Arrivals From Across Sea and Departures for Europe.

By the White Star liner Oceanic, from Adolphus Andrews, U. Prof. G. H. Hamilton, Dr. and Mrs. Samuel Hall.
Barret.
Vicomte and Vicomtesse de Bouteyre.
Dr. S. Carter Cole.
Benjamin Daingerfield.
Mr. and Mrs. J. Gould.
George S. Graham.
Dr. Trving M. Snow.
J. R. Walker.
By the Cunnerder Carmannia from Mars.

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Col. Joseph A. Corby.
Col. Sir Augustus F.
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Fitz George, K. C. V.
O. C. B.
Mr. and Mrs. W. A.
Brewer:
Dr. Charles H. Carlin.
Mr. and Mrs. J. W.
Cowles
Mr. and Mrs. James
R. Donneily.
The Very Rev. Thomas
Rgan.
The Rt. Rev. Bishop
Fallon
Mr. and Mrs. Philip
Feldhauser.
By the White Star liner Reltic. for

By the White Star liner Beltic, for Queenstown and Liverpool: Mr. and Mrs. W. G. Capt. James Leyland.
Allen.
Prof. A. T. Caldwell.
Edward Hughes.
Mr. and Mrs. Grenville Kleizer.
John B. Watson.

By the Hamburg-American liner Presi-ent Lincoln, for Hamburg, Plymouth and Cherbourg:

George J. Blutmann
The Rev. Wm. Brehl. The Rev. Clarence W.
Dr. and Mrs. J. B. Rouse and Mrs.
Hulett.



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\$1.34 6 ft. x 9 ft. \_ \$2.14 8 ft. 3 in. x 10 ft. 6 in. \$3.74 9 ft. x 12 ft. 2216 x 36 in. 27 in. x 54 in. 36 in. x 72 in. \$7.34 11 ft. 3 in. x 12 ft. 4 ft. 6 in. x 6 ft. 6 in.

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Size	Eise-	Macy's	and 15 ft. lengths.	Else-	Macy's
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27 in, x 54 in.	\$5.25	\$4.24	9 ft. x 12 ft.	\$50.00	\$34.75
36 in. x 36 in.	\$5.00	84.24	9 ft. x 15 ft.	\$69.00	\$54.75
36 in. x 63 in.	\$8.50		10 ft. 6 in. x 10 ft. 6 in	\$60.75	\$44.75
36 in. x 72 in.	\$9.75		10 ft. 6 in. x 12 ft.	\$69.00	\$54.75
4 ft. 6 in. x 7 ft. 6 in.	\$17.50		10 ft. 6 in. x 13 ft. 6 in	. \$77.75	\$61.50
6 ft. x 9 ft.	\$31.25	\$23.48	11 ft. 3 in. x 12 ft.	\$69.00	\$54.75
8 ft. 3 in. x 10 ft. 6 in	\$46.00	¥3Z.50	11 ft. 3 in. x 15 ft.	\$85.50	\$68.25

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